Radio and the Public Interest.

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The idea that broadcasters should be legally obligated to act in the "public interest, convenience, and necessity" became part of U.S. media policy in the Radio Act of 1927, and was expanded to other industries when the Communications Act of 1934 created the FCC. Ever since, the Commission has made a principled commitment to treat the airwaves as natural resources that, like the air itself or national parks, belong to the people. In our media system, licensed corporations can use these public resources for private gain, but only on condition that they deliver a minimal amount of content that is responsive to the needs and problems of the communities they serve.

This obligation is not arbitrary. It is based on the fact that broadcasters are uniquely positioned to inform the public about important matters of all kinds – from complex policy issues to school closing announcements, campaigns and elections to crises and emergencies. To this day, radio stations have an unmatched capacity to disseminate news and information when people need it most. This is not only because radio signals have proven to be more reliable than electricity, Internet servers, and cellular telephone systems during crises. It is also because the public remains tuned in. According to Nielsen's 2009 numbers, nearly 4 in 5 Americans listen to broadcast radio daily. The digital revolution has happened, but radio has survived. So must our public interest standards.

In recent years, some FCC commissioners have expressed skepticism about the public interest requirement for broadcasters. Some have insisted that the public interest is best served when the Commission gets out of the way and lets the market work its magic. But our recent

experiment in media deregulation did about as much to promote the public good as our experiment with banking deregulation. Others have relied on the old argument that "the public interest is what the public is interested in." But they don't address the fact that while, on most days, the people of Minot, North Dakota or New Orleans, Louisiana are interested in country, pop, and easy listening music, their interests change dramatically when there is a chemical spill or a hurricane at their door. Still others say that the FCC should not promote the public interest if it cannot define it. So I'd like to use my time today to identify three areas in which the meaning of public interest should be crystal clear. These are: 1) Emergency communications. 2) Local news and information. 3) Diversity.

The first area is **emergency communications**, and I hope you will agree that this is something broadcasters should not just continue doing, but improve. Historically, the need for reliable emergency communications systems was responsible for the nation's first broadcast policy, the Radio Act of 1912. That year, problems with wireless communication during the *Titanic* disaster moved Congress to pass radio regulations that protect public health and safety on the seas, including ensuring that ships maintained a wireless system that was staffed by a live human being at all times, an auxiliary power source in case the engine malfunctioned, and a formal procedure for reporting trouble. Moreover, for the first time the federal government took responsibility "to insure to the people of the United States an uninterrupted wireless service twenty-four hours a day for every day of the year," because the private sector's had proved incapable of policing itself.

During the Cold War, President Harry Truman expanded the national security and public health responsibilities of broadcasters, In 1951, Truman established the CONELRAD (Control of Electromagnetic Radiation) system, a federal program which, when activated, required all of the

nation's television channels and FM radio outlets to immediately broadcast warnings before shutting down their signals, thereby preventing foreign enemies from taking over the spectrum as part of a military attack. After the Cuban Missile Crisis, disaster planners recommended improving the technology so that local officials could activate the system during a range of public safety threats, and in 1963 they introduced the Emergency Broadcast System (EBS) for warnings during natural disasters, civil emergencies, or military attacks. U.S. law required radio and television broadcasters to conduct weekly tests of their EBS systems, and most Americans who watched television or listened to the radio between 1963 and 1997 remember hearing the bracing, two-tone signal, along with a flat yet reassuring voice announcing, "This is a test of the Emergency Broadcast System. This is only a test."

In 1997 the federal government updated EBS with a new technology, the Emergency Alert System (EAS). In theory, EAS improves crisis communications because (as the FCC states) its "digital system architecture allows broadcast stations, cable systems, participating satellite companies, and other services to send and receive emergency information quickly and automatically even if those facilities are unattended." The president, state and local governments, and the National Weather Service can also use EAS to override local broadcasts, an innovation designed to protect the public by expanding the number of authorities who can trigger an alert when disaster strikes. In practice, however, EAS has had serious problems. The Government Accountability Office has reported that in about ten to fifteen percent of national tests, problems with the EAS technology caused major systems malfunctions "which, in a real emergency, could have prevented the public from receiving critical information."

This shouldn't be surprising. After all, new technologies often malfunction, particularly during catastrophes, when all systems are taxed. The question is how to make broadcasters more

resilient, so that they can fill their public interest responsibilities when the automated systems fail. The answer, I believe, is to make sure that – just as in 1912 – there are live human beings in the studios of designated emergency broadcasters, ready to help if and when disaster strikes, and their listeners' interest in vital news and information suddenly trumps their interest in golden oldies and sex advice. Fifteen years ago this would not have been a problem. But today – after the rise of digital voice-tracking, the loss of locally-owned stations with a vested interest in their community, the massive downsizing of radio employees, and the virtual disappearance of local news reporting from commercial stations – covering catastrophes is a serious challenge. I ask the Commission to address this problem before it is too late.

The second area where the public interest should be apparent concerns the supply of everyday local news and information that's available over the airwaves. Radio, after all, is good for more than just music and entertainment. Historically, broadcasters have played crucial roles informing the public about a wide range of local issues, but today they do a much better job reporting on the day's traffic and weather than covering the state of local transportation systems and the condition of our environment. According to the latest Pew study, the typical radio station broadcasts about 40 minutes of news content per day, or a little less than 2 minutes per hour. And no wonder: the average radio station employs about two people to produce news, and about 40 percent of them have other responsibilities, from sales and marketing to programming and hosting. Under these conditions, readily available syndicated stories and cookie-cutter national content dominate broadcasts, and those who want local news and information can only get it if

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¹ Robert Papper, RTNDA/Hofstra University Annual News Director Survey, "News, Staffing and Profitability," The Communicator, October 2008. Cited in the Pew report, *The State of the News Media*, 2009. http://www.stateofthemedia.org/2009/sources.php

they are lucky enough to have a strong non-commercial, public or low-power community station in their area. Alas, with current policies, not many people fall into this category.

In some radio markets, the mere presence of a living person in the studio is a luxury. For my book about the state of local media, I interviewed listeners who complained that their oncefavorite stations had replaced local programs with pre-recorded shows made in other states. In some cases, the DJs did their best to sound local, but would often mispronounce the names of towns, neighborhoods, and prominent people. Mostly, though, the stations didn't bother faking it. They simply cut local news, talk, culture, and public affairs programs, and filled the air with big personalities whose syndicated talk shows are available wherever you are. These programs serve the public's interest in outrage and indignation. And they do more than just promote divisiveness: They directly undermine the diversity and localism of our radio system, and this places them at odds with the historic goals of our broadcasting policy.

Let me conclude by discussing diversity, the third area of public interest where FCC policies could make a difference. According to the Commission's longstanding principles, diversity of ownership, perspective, and programming boosts the quality of our cultural and civic life. In its 1978 *Statement of Policy on Minority Ownership of Broadcasting Facilities*, the Commission made an explicit promise to redress the nation's historic failure to live up to these principles. But since 1996, the Commission's policies have either helped reduce diversity, or, at best, done little to bolster it.

Consider a few of the findings from a recent Free Press report on who owns – and does not own – America's full-power commercial radio stations:

• Women, who comprise 51 percent of the U.S. population, own 6 percent of these stations, and serve as CEO or president for just 5 percent of them.

- Racial or ethnic minorities account for 33 percent of the population, and own 8 percent of radio stations. They serve as CEO or president for 8 percent, too.
- The numbers are even worse in many big markets, including my native home, Chicago.

 There, African Americans and Latinos make up at least 63 percent of the urban population, but only 5 percent of all station owners.²

In theory, a radio station can serve the needs and interests of its listeners regardless of who owns it. A giant conglomerate with stations in dozens of cities can demand that its program directors, DJs, and talk show hosts offer viewpoints and report on issues that are not widely available in the media market. A multinational corporation can invest in unprofitable public interest programming if it values a community's health and wellbeing as much as its own bottom line. But the record shows that in the real world, owners and managers with strong connections to their listeners are far more likely to make meaningful contributions to their communities — during ordinary times as well as in crises. We are fortunate to live in a diverse and culturally vibrant nation. Wouldn't the public's needs and interests be better served if our radio stations reflected this?

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² Free Press. 2007. *Off the Dial*: Female and Minority Radio Ownership in the United States. www.freepress.net/files/off the dial.pdf



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Air Support

By ERIC KLINENBERG

In the early morning of Jan. 18, 2002, a Canadian Pacific Railway train carrying hazardous chemicals derailed just outside Minot, N.D., spilling roughly 240,000 gallons of anhydrous ammonia into a woodsy neighborhood on the outskirts of town. The resulting toxic cloud grew to some five miles long, two and a half miles wide and 350 feet high, enveloping the homes of approximately 15,000 people. Confused and afraid, thousands of Minot residents turned on their radios to get public warnings and instructions on how to stay safe.

Yet no such information was available. Minot's six nonreligious commercial stations, all of which were owned and operated by the nation's largest radio company, Clear Channel Communications, were broadcasting prerecorded programs engineered in remote studios. Police dispatchers couldn't reach anyone in Clear Channel's local offices: the town's new emergency-communications system failed to automatically issue an alert, and no one answered the phones at the stations. What ensued was horrific: as one man died and hundreds became ill from inhaling the poisonous gas, the airwaves were filled with canned music and smooth-talking D.J.'s.

Five years later, America's emergency-communications system remains woefully inadequate. Consider, for instance, the basic question of where you would turn for information if disaster struck your hometown. The Internet puts up-to-the-minute information at your fingertips, but not if you can't turn on your computer or your local network is down. Mobile phones allow for voice conversations and text messaging, but not when the system is jammed from overuse. Cable television offers hundreds of channels, but not one of them works when the power is out. Radio, when accessed by battery-powered receivers, provides the optimum combination of reliability and accessibility — but not if local stations have no one in the studios to report the news.

Radio companies have long provided the nation's emergency-communications infrastructure. But they were not formally integrated until 1951, when <u>Harry Truman</u> implemented the Control of Electromagnetic Radiation system. Concludal later evolved into the Emergency Broadcasting System, which required all licensed broadcast systems to air its famous weekly message: "This station is conducting a test of the Emergency Broadcast System. This is only a test. . . . "The E.B.S. in turn was upgraded into the Emergency Alert System in 1997.

Today, the E.A.S. enables federal authorities to override programming and issue warnings without intervention from stations. State and local authorities may also override programming during crises — but only if they have the prior consent of broadcasters, which are not legally obligated to cede control of their content, and only if they have installed E.A.S.-compatible

equipment, which is voluntary, too. Predictably, the loose local standards leave some officials confused about how to issue an alert and some broadcasters ill equipped to help.

The problem is hardly limited to small cities like Minot. On Aug. 14, 2003, as a sweeping blackout affected 50 million people across the Northeast, David Rubin, dean of the S. I. Newhouse School of Communications at Syracuse University, was listening to the primary local news station (also owned by Clear Channel) on the drive home. Instead of reporting on conditions in Syracuse, the station was broadcasting information about the subways in New York City. "I only heard one local reporter on the air, and she was on the air only once," Rubin says.

There are signs of improvement. In June 2006, President Bush, whose administration did not activate the E.A.S. on Sept. 11 or during Hurricane Katrina, issued an executive order instructing the <u>Department of Homeland Security</u> (which administers <u>FEMA</u>) to overhaul the system so that it is "effective, reliable, integrated, flexible and comprehensive." In Congress, a bill under consideration would establish an All Hazards Alert System that "will be coordinated with and supplement existing federal, state, tribal and local emergency-warning and alert systems."

Today most resources for improving the nation's emergency communications are devoted to developing new technologies for personalized notification, like reverse 911 calling programs and S.M.S. alerts sent to mobile telephones. "These things ought to be part of the system for the future," says C. Patrick Roberts, president of the Florida Association of Broadcasters. "But right now none of them work well when the power is out and demand is high. Radio may be old-fashioned, but it works." Assuming, that is, that there is someone who can broadcast useful information.